

REMARKS

In the patent application filed concurrently herewith, Claims 1-24 are presented for consideration. Applicants wish to apprise the Examiner that Claims 1-2 and 13-14 substantially correspond to allowed Claims 1 and 36 of the parent application, Serial No. 10/098,752 with a few additional limitations. First, in the present application, independent Claims 1-2 and 13-14 are limited to use only in human subjects, while the claims of the parent application contain no such limitation as to the subject species. Additionally, Claims 1 and 13 include the further limitation of an administration duration of from about 24 to about 96 hours and Claims 2 and 14 include the further limitation of an administration duration of up to 96 hours. Support for the limitation of a human subject may be found on pg. 6, ln. 6-9 of the specification. Additionally, support for the numerical range limitations may be found in allowed Claims 73-74 of the parent patent application, as well as throughout the specification, including FIG. 3.

Applicants wish to further note that all remaining Claims 3-12, and 15-24 all depend from the above-recited independent claims, and that Claims 3-8 correspond to previously allowed Claims 2-3, 5-6, and 52-53 respectively, Claims 14-20 correspond to previously allowed Claims 37-38, 40-41, and 57-58, and that Claims 9-12 and 21-24 have been newly added. Applicants submit that support for such new claims may be found throughout the specification, including FIG. 3.

In view of the foregoing, Applicants respectfully submit that present Claims 1-24 are fully supported by the specification, that as such claims present a narrower scope of subject matter than those of the parent application, and that they are patentably distinct therefrom. However, in the event that it is deemed that the filing of a terminal disclaimer is necessary to prevent an obviousness-type

double patenting rejection, or if any other issues arise to prevent the prompt allowance of the present claims, the Examiner is invited to telephone Mr. David Osborne, or in his absence, the undersigned attorney at (801) 566-6633 so that a terminal disclaimer can be prepared and filed, or such other issues can be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 31st day of December, 2003.

Respectfully submitted,

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